

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION
(PCT Rule 66)

due 26-April-05

Date of mailing
(day/month/year) 16.02.2005

Applicant's or agent's file reference
299/03473

REPLY DUE **within 2 month(s)**
from the above date of mailing

International application No.
PCT/IL 03/00220

International filing date (day/month/year)
13.03.2003

Priority date (day/month/year)
13.03.2003

International Patent Classification (IPC) or both national classification and IPC
A45D26/00

Applicant
RADIANCY INC. et al.

RECEIVED

23-02-2005

FENSTER & Co.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Fenster & Co.

24-02-2005

Docketed by *RL*

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 13.07.2005

Name and mailing address of the international preliminary examining authority:



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Authorized Officer

Maier, M

Formalities officer (incl. extension of time limits)

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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-17 filed with the demand

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☒ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

see separate sheet

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:
 - ☐ the entire international application,
 - ☒ claims Nos. 17because:
 - ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☒ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:
 - ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation (Form PCT/PEA/405) to restrict or pay additional fees, the applicant has:
 - ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with for the following reasons and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees:
see separate sheet
3. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this opinion:
 - ☒ all parts.
 - ☐ the parts relating to claims Nos. .

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

WRITTEN OPINIONInternational application No. **PCT/L 03/00220**

Novelty (N)	Claims	1-16
Inventive step (IS)	Claims	1-16
Industrial applicability (IA)	Claims	1-16

2. Citations and explanations**see separate sheet**

Re Item I

Basis of the report

The amendments filed with the letter dated January 25, 2004 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the following: claim 17 comprises the wording "... and wherein the charged element is open to the exterior of the housing". This wording differs from the quotation in the letter, that the electrostatic member is external to a housing of the shaver. While the wording in the letter actually is derivable from the cited page 15, lines 1 -11 and Figs. 3 and 4, the wording of the claim is not, as there is no mention or illustration of any "open" charged element.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

As indicated in the previous section, claim 17 has no basis in the description.

Re Item IV

Lack of unity of invention

This Authority considers that there are 3 inventions covered by the claims indicated as follows:

1. Claims 1-4: A hair-cutting apparatus comprising a heat-generating elongate element producing heat sufficient to cut hair, and a deodorant or perfume dispenser.
2. Claims 5-6: A hair-cutting apparatus comprising a heat-generating elongate element producing heat sufficient to cut hair, and a filter and an air pump.

The technical effect of this first invention is to create an air flow from the heat-generating element, which is subsequently purified. The objective technical problem underlying the second invention may therefore be regarded as to provide a hair cutting machine of the type having a heated elongate element with a purified airflow around the element.

- 3.3 The subject-matter of independent claims 7 and 11, differs in other special technical features from the disclosure of D1, namely in the presence of an electrostatically charged element adapted for collecting cut hair, or in the step of collecting the hair cuttings from the skin of the user with an electrostatically charged element.

Even taking into account that the housing 7 will normally be electrostatically charged during use, when it is made from a suitable plastic material used in the technical field, and that therefore some of the cut hairs will be attracted to the housing, no provision can be derived from D1 that the housing is adapted for collecting cut hair, or for collecting the hair cuttings from the skin of the user.

The technical effect of this third invention is therefore to remove the hair cuttings from the skin of the user. The objective technical problem underlying the third invention may therefore be regarded as to provide a hair cutting machine of the type having a heated elongate element with means for collecting the hair cuttings.

- 3.4 These observations appear to show lack of corresponding technical effect, and of same or corresponding special technical features within the meaning of Rule 13.2 PCT. Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which would involve a single general inventive concept.

- 3.5 In conclusion, the groups of claims are not linked by common or corresponding special technical features and define 3 different inventions not linked by a single general inventive concept. The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. As shown in detail in the previous section, the present international applications comprises three separate inventions solving three different problems. However, none of the solutions is known from the prior art, and there is no teaching available that renders the solutions obvious. The subject-matter of independent claims 1, 5, 7 and 11 is therefore novel (Article 33(2) PCT) and involves an inventive step (Article 33(3) PCT).
2. Claims 2-4, 6, 8-10 and 12-16 are dependent claims and as such also meet the requirements of the PCT with respect to novelty and inventive step.
3. The invention as specified in the claims is industrially applicable in the production of hair cutting devices.